## SIM & DEPAOLA, LLP

Attorneys-at-Law
42-40 Bell Boulevard – Suite 405
Bayside, New York 11361
Tel: (718) 281-0400

Fax: (718) 631-2700

February 17, 2023

## **VIA ECF:**

Honorable Lewis J. Liman, U.S.D.J. United States District Court Southern District of New York 500 Pearl Street New York, New York 10007

Re: Noheme Perez v. City of New York, et al. Docket No. 20-cv-1359 (LJL)

Honorable Judge Liman,

The Plaintiff, Ms. Noheme Perez, by the undersigned counsel, respectfully submits this letter in response to Your Honor's order requesting Plaintiff to address whether or not they should be sanctioned for violating the Court's scheduling order, including precluding Plaintiff from offering evidence at trial (ECF Doc 82) along with filing Plaintiff's portion of the Joint Pretrial Order Letter. The undersigned apologizes and reiterates that this mistake falls solely on the undersigned and on no not part of the Plaintiff, Ms. Perez, who has every intention of prosecuting this matter fully and in compliance with instruction from the Court.

Plaintiff now submits this letter to Your Honor as the violation of the Court's scheduling order is due, *inter alia*, this is the undersigned's first time preparing for trial due to their limited experience in federal court, the absence of supervising attorneys over the past month, mental health concerns, and the loss of an attorney approximately six (6) months ago who has yet to be replaced. The undersigned beseeches the Court to not punish Plaintiff, Ms. Noheme Perez, with sanctions for the failings of the undersigned.

Wherefore, it is respectfully requested that this Court decide to not sanction Plaintiff and allow her to admit evidence into trial that is necessary to prove her sole claim, and to grant leave for Plaintiff and to file their portion of the JPTO letter on February 17, 2023 or any other date that may be acceptable to the Court; together with such further or additional relief, as the Court may deem necessary and just.

Respectfully submitted,

/s/ Ataur Raquib

Ataur Raquib, Esq.

Attorney for Plaintiff

Sim & DePaola, LLP araquib@simdepaola.com